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10/633,959	08/04/2003	Mario Ruiz	168.002	5181

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I Now Technologies Inc
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EXAMINER

DONLON, RYAN D

ART UNIT	PAPER NUMBER
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3691

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08/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/633,959		RUIZ ET AL.	
	Examiner		Art Unit	
	RYAN D. DONLON		3691	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/4/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status Of Claims

1. This action is in reply to the application filed on August 4, 2003.
2. Claims 1-26 are currently pending and have been examined.

Claim Objections

3. Claims 12-14, 22 and 23 are objected to because of the following informalities:
The Applicant should provide the spelled out phrase prior followed by the shortened acronym in parentheses prior to using an acronym such as ERP or CRM in the claims.
Appropriate correction is required.

4. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. 35 U.S.C. 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). The applicants claims mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C. 101. The claims begin by discussing a method of establishing, but subsequently the claims then deal with the specifics of a system with structure elements comprising of modules, databases, and connecting devices. "A claim of this type is precluded by the express language of 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", *Ex parte Lyell* (17 USPQ2d 1548). For the purposes of compact prosecution the Examiner will interpret these claims to be directed towards a system.

8. **Claims 1-26** are further rejected under 35 U.S.C. 101 for being directed to nonstatutory subject matter. The broadest reasonable interpretation of these claims are directed to software only, non-functional descriptive material. Non-functional descriptive material is non-statutory subject matter unless it claimed in *combination* with an appropriate computer readable medium (emphasis added). The applicant is encouraged to amend the claim to a proper computer readable medium (not e.g. a signal) encoded with said functional descriptive material that can function with a computer to effect a useful, concrete and tangible result.

9. **Claim 11** is further rejected under 35 U.S.C. 101 for being directed to nonstatutory subject matter. This claim recites a system with "system components, including... users" thus, in its broadest reasonable interpretation, claims living subject matter which is non-statutory.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. As per **claim 1**, it is unclear how a "one" of a "self-contained stand-alone module" could "communicate with each other". For the purposes of compact prosecution, the Examiner will interpret this to be --[one, or] a plurality of--

13. Further, it is unclear how modules can be both "self-contained stand-alone" and "communicate with each other". For the purposes of compact prosecution, the Examiner will interpret these modules to be --communicatively coupled to one another--.

14. As per **claims 2-11 and 17-26**, the phrase "a system, according to claim 1" is ambiguous, and could refer to "an information system", "modules", "a central data integration and messaging server", "a series of connecting devices", etc. For the

purposes of compact prosecution, the Examiner will interpret this to mean --an information system--.

15. Regarding **claim 2**, the phrase "but not limited to" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). For the purposes of compact prosecution, the Examiner will interpret this claim to be --A system of claim 1 wherein each of said modules performs a specific activity--.

16. With respect to **claim 4**, it is unclear how the recitation of " that when synchronized, fulfill each business requirement in a highly efficient and effective manner, thus simplifying the construction of software applications and the entire system, giving it cost, performance and efficiency advantages over designs with clustered applications and central databases" applies further limitations by function or implementation to the system of claim 1. For the purposes of applying prior art, the Examiner will interpret " that when synchronized, fulfill each business requirement in a highly efficient and effective manner, thus simplifying the construction of software applications and the entire system, giving it cost, performance and efficiency advantages over designs with clustered applications and central databases" be as a statement of intended use and therefore, will not be given any patentable weight.

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17. **The Examiner notes** that the intended use (or field of use) of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use then it meets the claim. An apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)

18. With respect to **claim 5**, it is unclear how the recitation of "that when synchronized, fulfill each business requirement in a way that allows for independent activity and highly complex combined functionality between the modules, without the need to make larger software applications that would become more and more complex, larger and unwieldy." applies further limitations to the system of claim 1. For the purposes of applying prior art, the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

19. With respect to **claim 6**, the phrase "the business events, processes, rules and workflow" lacks antecedent basis in either the present claim or claim 1 from which it depends. For the purposes of compact prosecution, the examiner will interpret this to be "business events, processes, rules and workflow."

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20. With respect to **claim 7**, it is unclear how the recitation of, "integrating information as an inherent part of its functionality, architecture and design." applies further limitations to the system of claim 1. For the purposes of applying prior art, the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

21. With respect to **claim 8**, it is unclear how the recitation of, "updating each related module, database and user, as well as to existing applications and databases." applies further limitations to the system of claim 1. For the purposes of applying prior art, the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

22. With respect to **claim 10** it is unclear how the recitation of, "without the need for a central database that stores and retrieves data in between system components, including said modules and users, as well as to existing applications and databases." applies further limitations to the system of claim 1. For the purposes of applying prior art, the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

23. With respect to **claim 11**, it is unclear how synchronizing information with a user is accomplished. For the purposes of interpretation the examiner will assume the claim to be –a means for synchronizing and a means for communicating information between

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system components. Further claim 11 fails to define "a two-way extract", one skilled in the art would not clearly understand this limitation. For the purposes of compact prosecution, the examiner will interpret this to be --a module that both extracts and loads--.

24. With respect to **claim 12**, it is unclear how the recitation of "without the need for external and/or additional middleware Or Enterprise Service Bus type devices" further limits this claim. For the purposes of applying prior art, the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

25. With respect to **claims 13, 14, 15 and 16** the phrase "a [system] of establishing an ERP ... according to claim 3" or "a [system] of establishing custom developed system according to claim 3" lacks antecedent bases. For the purposes of compact prosecution, the Examiner will interpret this to mean --an ERP system ... according to claim 12--

26. With respect to **claim 13**, it is unclear how the recitation of "with less code inside each module, providing a means for said modules to be more easily developed, tested, implemented, maintained, modified (for future requirements) and migrated to new platforms" further limits claim 12. For the purposes of applying prior art, the Examiner will interpret this to be a statement of intended use and therefore, will not be given any

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patentable weight.

27. With respect to **claim 16**, it is unclear how the recitation of "said combination of codes being a means to implement exact functional requirements of the users, instead of trying to make custom applications from scratch or by means of reusable code, objects and services, that do not have the advantages of being developed in a development environment comprised of synchronized simplified modules with individual databases." further limits claim 12. For the purposes of applying prior art, the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

28. With respect to **claim 17**, the phrase "the user's" lacks antecedent basis in claim 1. For the purposes of compact prosecution, the Examiner will interpret this claim as depending from claim 6.

29. With respect to **claim 18**, it is unclear how the phrase " as an inherent part of its design, to improve data sharing and increase database availability by reducing the need for batch processing, across a mixed legacy environment" further limits the system of claim 1. For the purposes of applying prior art the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

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30. With respect to **claim 19**, it is unclear how the phrase " that has a less invasive means of implementation, starting with data integration purposes primarily, and secondarily providing business functionality." further limits the system of claim 1. For the purposes of applying prior art the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

31. With respect to **claim 20**, it is unclear how the phrase " which has a low risk of implementation, often starting with low cost or no cost proofs of concepts." further limits the system of claim 1. For the purposes of applying prior art the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

32. With respect to **claim 21**, it is unclear how the phrase " which has a means of being more sensitive to the existing IT culture and political events in an organization, that effect the outcome of any software implementation project." further limits the system of claim 1. For the purposes of applying prior art the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

33. With respect to **claim 22**, it is unclear how the phrase " which has a means of being more sensitive to the existing IT culture and political events in an organization, that effect the outcome of any software implementation project." further limits the

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system of claim 1. For the purposes of applying prior art the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

34. With respect to **claim 22 and 23**, it is unclear what is intended by the phrase "reorganizing existing code". The Examiner assumes this phrase is taught on page 11 of the specification paragraph 4. For the purposes of compact prosecution the examiner will interpret this phrase in light of the specification to mean "reusing existing code".

35. As per **claim 25 and 26**, it is unclear how the phrase "that has data quality inherent in its design" further limits the structure of claim 1. Reading this claim in light of the specification the Examiner interprets this to mean --giving the users access to integrated information— as on page 5 of the specification.

36. As per **claim 25**, it is unclear how the phrase "whereby integrated data is generally of a higher quality (with established data rules and better conformity of the data to their rules) than stand alone data" further limits the structure of claim 1. For the purposes of applying prior art the Examiner will interpret "whereby integrated data is generally of a higher quality" to be a statement of intended use and therefore, will not be given any patentable weight.

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37. As per **claim 26**, it is unclear how the phrase "whereby said data is generally more supportive of business intelligence (i.e. better function data warehouse, customer data repositories, etc.) than data found in stand alone applications and independent databases" further limits the system of claim 1. For the purposes of applying prior art the Examiner will interpret this to be a statement of intended use and therefore, will not be given any patentable weight.

Claim Rejections - 35 USC § 102

38. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

39. Claims 1-21 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Battas et al. US 6,757,689 B2 (hereinafter Battas) filed September 7, 2001.

40. As per **claim 1**, Battas discloses --an information system-- comprised of;

- a. --a plurality of modules-- (see at least column 18 paragraph 1),
- b. a central data integration and messaging server, to allow said modules to communicate with each other, and to existing applications and databases (see at least the "ZLE hub" in column 18 paragraph 1), and

c. a series of connecting devices for each of said modules, as well as other applications and databases, interfacing them via a network (LAN, WAN, Internet, etc.) to a central data integration and messaging server (see at least column 12 paragraph 5).

41. As per **claim 2**, Battas discloses --an information system-- according to claim 1, wherein each of said modules performs a specific activity, said activity selected from the group consisting of (but not limited to) business activities including accounting, budgeting, engineering, inventory, manufacturing, purchasing, receiving and sales, etc (see at least figure 7. For the purposes of applying prior art, the examiner is interpreting "said activity selected from the group consisting of (but not limited to) business activities including accounting, budgeting, engineering, inventory, manufacturing, purchasing, receiving and sales, etc " as a statement of intended use since this phrase provides no further structural limitation to the claimed system).

42. As per **claim 3**, Battas discloses --an information system-- according to claim 1, wherein each of said modules that performs a specific activity, has its own individual database (see at least Figure 7).

43. As per **claim 4**, Battas discloses --an information system-- according to claim 1, that has multiple modules that-when synchronized, fulfill each business requirement in a highly efficient and effective manner, thus simplifying the construction of software

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applications and the entire system, giving it cost, performance and efficiency advantages over designs with clustered applications and central databases (see at least column 2 paragraph 3. For the purposes of applying prior art, the examiner is interpreting "that-when synchronized, fulfill each business requirement in a highly efficient and effective manner, thus simplifying the construction of software applications and the entire system, giving it cost, performance and efficiency advantages over designs with clustered applications and central databases" as a statement of intended use since this phrase provides no further structural limitation to the claimed system).

44. As per **claim 5**, Battas discloses --an information system-- according to claim 1, that has multiple modules that when synchronized, fulfill each business requirement in a way that allows for independent activity and highly complex combined functionality between the modules, without the need to make larger software applications that would become more and more complex, larger and unwieldy (see at least column 2 paragraph 3. For the purposes of applying prior art, the examiner is interpreting "modules that when synchronized, fulfill each business requirement in a way that allows for independent activity and highly complex combined functionality between the modules, without the need to make larger software applications that would become more and more complex, larger and unwieldy" as a statement of intended use since this phrase provides no further structural limitation to the claimed system).

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45. As per **claim 6**, Battas discloses --an information system-- according to claim 1, that has multiple modules that when synchronized, fulfill each business requirement in a way that allows for the setting up of user changeable parameters that can affect -- business events, processes, rules and workflow-- (see at least column 16 paragraph 1 and claim 46).

46. As per **claim 7**, --an information system-- according to claim 1, wherein each of said modules is interconnected by a synchronization and communication device integrating information as an inherent part of its functionality, architecture and design (see at least figure 7 and column 2 paragraph 3).

47. As per **claim 8**, Battas discloses --an information system-- according to claim 1, for network based (LAN, WAN, Internet, etc.) data transfer and messaging, updating each related module, database and user, as well as to existing applications and databases (see at least column 2 paragraph 3, column 3 paragraph 1 and column 12, paragraph 5).

48. As per **claim 9**, Battas discloses --an information system-- according to claim 1, wherein each of said modules is interconnected by a connecting device for the purpose of extracting and inserting data and messages to be communicated (see at least column 2, paragraph 3 and column 15 paragraph 4).

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49. As per **claim 10**, Battas discloses --an information system-- according to claim 1, wherein each of said modules is interconnected by a connecting device directly exchanging information together, in a hub and spoke manner, without the need for a central database that stores and retrieves data in between system components, including said modules and users, as well as to existing applications and databases (see at least figure 7. For the purposes of applying prior art, the examiner is interpreting "without the **need** for a central database that stores and retrieves data in between system components, including said modules and users, as well as to existing applications and databases " as a statement of intended use since this phrase provides no further structural limitation to the claimed system).

50. As per **claim 11**, Battas discloses --an information system-- according to claim 1 that provides a means for synchronizing and communicating information between system components, including said modules and users, as well as to existing applications and databases, in both a near-real time manner and a two-way extract, transform and load (ETL) batch manner (see at least column 16 paragraph 1, column 2 paragraph 3, column 13 paragraph 6, column 2 paragraph 2 and column 17 paragraph 5).

51. As per **claim 12**, Battas discloses --an ERP or custom designed system-- with a built-in middleware-like integration server, providing a means for synchronization and communications with existing legacy applications, databases and users to connect and

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integrate them as an integral (and integrated) part of its design, without the need for external and/or additional middleware Or Enterprise Service Bus type devices (see at least column 2 paragraph 3, and column 16 paragraph 3. For the purposes of applying prior art the Examiner will interpret the phrase "without the need for external and/or additional middleware Or Enterprise Service Bus type devices" to be intended use since this phrase does not introduce any structural limitations to the system).

52. As per **claim 13**, Battas discloses --an ERP or other type of information system-- according to claim --12--, with less code inside each module, providing a means for said modules to be more easily developed, tested, implemented, maintained, modified (for future requirements) and migrated to new platforms (this claim introduces no substantial limitation over that of claim 12 and therefore is rejected under a similar rationale. For the purposes of applying prior art the Examiner will interpret the phrase "with less code inside each module, providing a means for said modules to be more easily developed, tested, implemented, maintained, modified" to be intended use since this phrase does not introduce any structural limitations to the system).

53. As per **claim 14**, Battas discloses --an ERP system-- according to claim --12--, further comprising a library of core functionality, with custom code to implement exact business requirements, interfaces and data input screens of a customer, said codes being a means to implement industry best practices into a customer's business, reducing, or eliminating the need for a gap assessment (See at least column 18

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paragraphs 2-3, claims 47-49, column 13 paragraph 3, figure 7 and column 5 "Brief Description of the Drawings", column 10 paragraph 2.) (For the purposes of applying prior art the Examiner will interpret the phrase "being a means to implement industry best practices into a customer's business, reducing, or eliminating the need for a gap assessment" to be intended use since this phrase does not introduce any structural limitations to the system)

54. As per **claim 15**, Battas discloses --an ERP system-- according to claim --12--, further comprising a library of core functionality, with custom code to implement exact business requirements, including the events, processes, rules, interfaces and data input screens of a customer, said combination of codes being a means to implement industry best practices into a customer's business, reducing, or eliminating the need for a parameter setting layer of interfacing code that attempts to customize pre-made applications.

55. (See at least column 18 paragraphs 2-3, claims 47-49, column 21 paragraph 4, column 16 "Rules Service". "Brief Description of the Drawings". Figure 7 and column 5 "Brief Description of the Drawings", column 10 paragraph 2, and column 13 paragraph 3.) (For the purposes of applying prior art the Examiner will interpret the phrase "reducing, or eliminating the need for a parameter setting layer of interfacing code that attempts to customize pre-made applications" to be intended use since this phrase does not introduce any structural limitations to the system)

56. As per **claim 16**, Battas discloses --the custom developed system-- according to claim --12--, further comprising a library of core functionality, with custom code to implement exact business requirements, including the events, processes, rules, interfaces and data input screens of a customer, said combination of codes being a means to implement exact functional requirements of the users, instead of trying to make custom applications from scratch or by means of reusable code, objects and services, that do not have the advantages of being developed in a development environment comprised of synchronized simplified modules with individual databases. (Claim 16 introduces no substantial limitation over those of claim 15 and therefore is rejected under a similar rationale.) (For the purposes of applying prior art the Examiner will interpret the phrase "instead of trying to make custom applications from scratch or by means of reusable code, objects and services, that do not have the advantages of being developed in a development environment comprised of synchronized simplified modules with individual databases" to be intended use since this phrase does not introduce any structural limitations to the system)

57. As per **claim 17**, Battas discloses the --information system-- according to claim --6--, further comprising a variable parameter settings feature that consists of a layer of code which adjusts the user's workflow and processes to pre-approved and pre-made sets of variations, enabling users who wish to change the way they do their work, to change the system at a functional level themselves, without the need for programmers (see at least column 16 paragraphs 1-4). (For the purposes of applying prior art the

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Examiner will interpret the phrase "enabling users who wish to change the way they do their work, to change the system at a functional level themselves, without the need for programmers" to be intended use since this phrase does not introduce any structural limitations to the system)

58. As per **claim 18**, Battas discloses the –information system-- according to claim 1, further comprising a secondary near-real time data path (or compiled applications with read and write capability which transmit database data) with as an inherent part of its design, to improve data sharing and increase database availability by reducing the need for batch processing, across a mixed legacy environment. (The applicant defines the secondary data path on page 9 paragraph 2. The Examiner refers to this definition for applying prior art. For the purpose of applying prior art, the phrase "to improve data sharing and increase database availability by reducing the need for batch processing, across a mixed legacy environment" is interpreted as intended use since the phrase does not introduce any structural limitations to the system) (see at least column 17 paragraph 4)

59. As per **claim 19**, Battas discloses the –information system-- according to claim 1, that has a less invasive means of implementation, starting with data integration purposes primarily, and secondarily providing business functionality. (Claim 19 introduces no substantial limitation over that of claim 1, and is therefore rejected under a similar rationale) (For the purposes of applying prior art, the Examiner will interpret "

that has a less invasive means of implementation, starting with data integration purposes primarily, and secondarily providing business functionality" to be a statement of intended use since the phrase introduces to substantial structure limitations to the system of claim 1.)

60. As per **claim 20**, Battas discloses the –information system-- according to claim 1, which has a low risk of implementation, often starting with low cost or no cost proofs of concepts. (Claim 20 introduces no substantial limitation over that of claim 1, and is therefore rejected under a similar rationale) (For the purposes of applying prior art, the Examiner will interpret "which has a low risk of implementation, often starting with low cost or no cost proofs of concepts" to be a statement of intended use since the phrase introduces to substantial structure limitations to the system of claim 1.)

61. As per **claim 21**, Battas discloses the –information system-- according to claim 1, which has a means of being more sensitive to the existing IT culture and political events in an organization, that effect the outcome of any software implementation project. (Claim 20 introduces no substantial limitation over that of claim 1, and is therefore rejected under a similar rationale) (For the purposes of applying prior art, the Examiner will interpret "which has a means of being more sensitive to the existing IT culture and political events in an organization, that effect the outcome of any software implementation project" to be a statement of intended use since the phrase introduces

to substantial structure limitations to the system of claim 1.)

62. As per **claim 24**, Battas discloses the –information system-- according to claim 1, that has data integration via a synchronization and communications device as a part of its inherent design, and is, as a result, fully supportive of Enterprise Application Integration (EAI), Enterprise Information Integration (EII), and other standards and organizations that encourage the sharing of information (see at least column 2 paragraph 3). (For the purposes of applying prior art the examiner is interpreting “and is, as a result, fully supportive of Enterprise Application Integration (EAI), Enterprise Information Integration (EII), and other standards and organizations that encourage the sharing of information” as a statement of intended use, however the Examiner points out the claimed result of the system is disclosed by the prior art in the summary of Battas.)

63. As per **claim 25**, Battas discloses the –information system-- according to claim 1, that has data quality inherent in its design, whereby integrated data is generally of a higher quality (with established data rules and better conformity of the data to their rules) than stand alone data (see at least column 2 paragraph 2).

64. As per **claim 26**, this claim introduces no substantial limitation over that of claim 25 and is therefore rejected under a similar rational.

Claim Rejections - 35 USC § 103

65. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

66. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battas as applied to claim 1 above and further in view of Examiner's official notice..

67. As per **claim 22**, Battas discloses a system of establishing a system according to claim 1, further reorganizing a conventional application with a central database and/or traditional ERP design into modules each containing its own individual database, and connected via a middleware-like integration device, or Enterprise Service Bus, for network based data synchronization and communications, that connect the modules to each other and to existing ERP, CRM, data warehouse and custom legacy systems (see at least Summary).

68. **Battas does not teach** a means of reorganizing existing code into modules for each business activity, that can be used individually or grouped in a suite of modules.

69. **However the examiner takes official notice** that it is well known in the art at the time of the invention to reuse existing code, such as Java code, in code modules in order to organize business activities. One example would be source code for database access in a module for use in an apparel eCommerce website, this code may be later reused in a database access module for use in personal electronics eCommerce site.

70. It would have been obvious to one of ordinary skill in the art to include in the system comprising a means for reorganizing a conventional application Battas, the well known system comprising a means for reorganizing code as disclosed by the Examiners Official Notice because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

71. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teaching Battas and Examiners Official Notice to obtain the invention as specified in claim 22.

72. As per **claim 23**, this claim introduces no substantial limitation over that of claim 22 because the Examiner finds no structural difference between "reorganizing code that has been rewritten or translated" and "reorganizing existing code" and is therefore rejected under a similar rational. The Examiner further finds the phrase "that has been rewritten or translated from other programming languages" to be a statement of intended use, since this phrase introduces no substantial structural limitation to the system claim.

Conclusion

73. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record, within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art

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and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. DONLON whose telephone number is (571)270-3602. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/

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Supervisory Patent Examiner, Art
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/Ryan D Donlon/
Examiner, Art Unit 3691
July 14, 2008

Notice of References Cited	Application/Control No. 10/633,959	Applicant(s)/Patent Under Reexamination RUIZ ET AL.	
	Examiner RYAN D. DONLON	Art Unit 3691	Page 1 of 1

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*	A	US-5,913,061 A	06-1999	Gupta et al.	719/310
*	B	US-6,308,178 B1	10-2001	Chang et al.	707/100
*	C	US-6,094,688 A	07-2000	Mellen-Garnett et al.	719/328
*	D	US-6,256,676 B1	07-2001	Taylor et al.	709/246
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NON-PATENT DOCUMENTS

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INFORMATION DISCLOSURE CITATION

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Docket Number (Optional)

168.002

Application Number

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Applicant(s)

Ruiz et al

Filing Date

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A	09/734,714		Lavin et al.	709	313	12/13/2000
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	C	6,415,331 B1	6/2/02	Ariga	709	246	4/22/99

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							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER /Ryan Donlon/

DATE CONSIDERED 07/14/2008

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.D./

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